

Protective Order Procedures

When One or All Parties Request Any of the Following:

- Protective Order;
- Order to Seal Portions of the Record; or
- Order to Close Part of a Hearing open to the Public

Then **All** of the Following **Must** Be Done Prior to the Order Being Issued:
(Stipulation among parties does not avoid steps)

Party MUST make a formal motion on the record, either oral or in writing, including:

Identify the materials to be protected

Identify the parts of the record to be sealed

Identify the hearing to be closed to the public

Party MUST set forth the factual basis, circumstances, AND legal authority by one or both of the following:

Declarations that support the findings required to grant the motion.

Other evidence that supports the findings required to grant the motion.

An opposing party shall be allowed an Opportunity to oppose the motion

Orally on the record

and/or in writing

Administrative Law Judge MUST set forth on the record the facts, legal basis, and findings that support order

If the ALJ grants any part of the motion, he or she needs to **clearly identify the affected portions in an order.**

ALJ MUST instruct Court Reporter according to order.

ALJ MUST ensure that Court Reporter seals the documents or portions of testimony which have been protected and/or sealed, in a Tamper Evident Tyvek® envelope.

Upon the completion of the Hearing ALJ **MUST** ensure the protected sections of the administrative record have been properly sealed, and the exhibit list identifies all documents that have been protected and sealed